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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,210	10/04/2000	Donald F. Gordon	60136.0126USII	8170
94140	7590	06/24/2010	EXAMINER	
Merchant & Gould - Cox PO Box 2903 Minneapolis, MN 55402			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2424	
			MAIL DATE	DELIVERY MODE
			06/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/679,210

Applicant(s)

GORDON ET AL.

Examiner

ANNAN Q. SHANG

Art Unit

2424

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 May 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-18 and 20-23.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Annan Q Shang/
Primary Examiner, Art Unit 2424

Continuation of 11. does NOT place the application in condition for allowance because: With respect the last office action mailed 02/12/10, Applicant amends claims to correct minor errors object to in the last office action and further argues that the prior arts of record do not meet the claims limitations, i.e., "Eyer does not receiving a plurality of IPQ pages, audio input and data, wherein each plurality of IPQ pages include a guide portion and a video portion..." that "...does not discloses generating a plurality of guide streams and at least one of a video stream, an audio stream and data stream, wherein each generated stream is assigned a respective packet identifier (PID)..." that "....fails to even mention generating a plurality of guide streams and at..." (see page 10+ of Applicant's Remarks) .

In response, Examiner disagrees. Examiner notes Applicant's amendments/arguments, however, Eyer clearly discloses that the IPG data receive at Satellite Uplink 100 (fig.1) includes global data is global services and local services or programming broadcast by satellite and national CATV networks and channel map and other configuration data (see inputs (3) of fig.1 to Uplink 100, col.1, lines 10-20, line 64-col.2, line 37, col.3, lines 9-17, line 62-col.5, line 1+ and line 44-col.6, line 1+). Eyer further discloses that "The satellite MUX, modulator and encoder 100 also receives all or, typically, portion of the global programming services themselves (e.g., digital audio and video) as well as channel map data for both global and local programming services and other configuration data, discussed in greater detail in connection with FIG. 2." (col.6, lines 1-12). Eyer further meets other amended claims limitations, i.e., "...a session manager..." and "...a bandwidth manager..." (col.1, lines 42-45, col.7, line 66-col.8, line 1+ and col.21, line 66-col.22, line 16) as discussed clearly below. Hence the amended claims do not overcome the prior arts of record. The finality of the last office action is proper, meets all the claims limitations and hereby maintained.